

## TENT COOPERATION TRE. /

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)  
14 March 2000 (14.03.00)

International application No.  
PCT/US99/11904

Applicant's or agent's file reference  
PF-0526 PCT

International filing date (day/month/year)  
28 May 1999 (28.05.99)

Priority date (day/month/year)  
29 May 1998 (29.05.98)

## Applicant

TANG, Y., Tom et al

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

16 December 1999 (16.12.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Nestor Santesso

Telephone No.: (41-22) 338.83.38

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>PF-0526 PCT</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 99/ 11904</b>	International filing date (day/month/year) <b>28/05/1999</b>	(Earliest) Priority Date (day/month/year) <b>29/05/1998</b>
Applicant <b>INCYTE PHARMACEUTICALS, INC. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

### 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☒ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/11904

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C12N15/12 C12N15/63 C07K14/705 C07K16/18 A61K38/17  
G01N33/50

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C12N C07K A61K G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 834 563 A (SMITHKLINE BEECHAM CORP) 8 April 1998 (1998-04-08) the whole document ---	
A	L00 T.W. ET AL.: "Drug-stimulated ATPase Activity of Human P-glycoprotein Requires Movement between Transmembrane Segments 6 and 12" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 272, no. 34, 22 August 1997 (1997-08-22), pages 20986-20989, XP002116312 the whole document --- -/-	

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## ° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

27 September 1999

Date of mailing of the international search report

18. 1. 00

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Schönwasser, D

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/11904

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>HILLIER L. ET AL.: "WashU-NCI human EST Project; af42e03.s1 Soares total fetus Nb2HF8 9w Homo sapiens cDNA clone 1034332 3'"</p> <p>EMBL DATABASE ENTRY AA779652; ACCESSION NO. AA779652,6 February 1998 (1998-02-06), XP002116313</p> <p>Amino acids 90-240 of SEQ ID NO:1 are identical to amino acids 1-151 of AA779652.</p> <p>---</p>	5,6,9-11
X	<p>HILLIER L. ET AL.: "WashU-Merck EST Project 1997; aa18a10.r1 Soares NhHMPu S1 Homo sapiens cDNA clone 813594 5'"</p> <p>EMBL DATABASE ENTRY HS1247817; ACCESSION NO. AA447814,10 June 1997 (1997-06-10), XP002116314</p> <p>Amino acids 62 -209 of SEQ ID NO:1 are identical to amino acids 1-148 of AA447814.</p> <p>-----</p>	5,6,9-11

### Information on patent family members

PCT/US 99/11904

Form PCT/ISA/210 (patent family annex) (July 1992)

# INTERNATIONAL SEARCH REPORT

national application No.  
PCT/US 99/11904

## B x I Observations where certain claim were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claim 19 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 17,18,20  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
  
It is not possible to carry out a meaningful search for claims 17,18 and 20, since the claimed agonists and antagonists are not sufficiently described.
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## B x II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-20 (all partially)

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

**1. Claim : .**

**Invention 1: Claims 1-20 (all partially)**

A substantially purified polypeptide comprising the amino acid sequence SEQ ID NO:1 or a fragment thereof, an isolated and substantially purified polynucleotide encoding said polypeptide, a method for detecting said polynucleotide, an expression vector and a host cell comprising the polynucleotide, a method of producing the above mentioned polypeptide, a pharmaceutical composition comprising said polypeptide as well as an antibody against said polypeptide and a method for treating or preventing a disorder associated with decreased expression or activity of human transmembrane proteins.

**Inventions 2-79: Claims 1-20 (all partially)**

The inventions No. 2 - 79 relate to subject-matter as defined above for "subject 1", whereby each invention refers to one of the polypeptide sequences of SEQ ID NO:2 to SEQ ID NO:79 (and the respective nucleotide sequences of SEQ ID NO:80 to SEQ ID NO:158).

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 17,18,20

It is not possible to carry out a meaningful search for claims 17,18 and 20, since the claimed agonists and antagonists are not sufficiently described.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.





## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification <sup>6</sup> : <b>C07K 14/00</b>		<b>A2</b>	(11) International Publication Number: <b>WO 99/61471</b>
			(43) International Publication Date: 2 December 1999 (02.12.99)
(21) International Application Number: PCT/US99/11904 (22) International Filing Date: 28 May 1999 (28.05.99)  (30) Priority Data: 60/087,260           29 May 1998 (29.05.98)           US 60/091,674           2 July 1998 (02.07.98)           US 60/102,954           2 October 1998 (02.10.98)           US 60/109,869           24 November 1998 (24.11.98)           US  (63) Related by Continuation (CON) or Continuation-in-Part (CIP) to Earlier Applications US                                   60/087,260 (CIP) Filed on                           29 May 1998 (29.05.98) US                                   60/091,674 (CIP) Filed on                           2 July 1998 (02.07.98) US                                   60/102,954 (CIP) Filed on                           2 October 1998 (02.10.98) US                                   60/109,869 (CIP) Filed on                           24 November 1998 (24.11.98)  (71) Applicant (for all designated States except US): INCYTE PHARMACEUTICALS, INC. [US/US]; 3174 Porter Drive, Palo Alto, CA 94304 (US).		(72) Inventors; and (75) Inventors/Applicants (for US only): TANG, Y., Tom [CN/US]; 4230 Ranwick Court, San Jose, CA 95118 (US). LAL, Preeti [IN/US]; 2382 Lass Drive, Santa Clara, CA 95054 (US). HILLMAN, Jennifer, L. [US/US]; 230 Monroe Drive #12, Mountain View, CA 94040 (US). YUE, Henry [US/US]; 826 Lois Avenue, Sunnyvale, CA 94087 (US). GUEGLER, Karl, J. [CH/US]; 1048 Oakland Avenue, Menlo Park, CA 94025 (US). CORLEY, Neil, C. [US/US]; 1240 Dale Avenue #30, Mountain View, CA 94040 (US). BANDMAN, Olga [US/US]; 366 Anna Avenue, Mountain View, CA 94043 (US). PATTERSON, Chandra [US/US]; 490 Sherwood Way #1, Menlo Park, CA 94025 (US). GORGONE, Gina, A. [US/US]; 1253 Pinecrest Drive, Boulder Creek, CA 95006 (US). KASER, Matthew, R. [GB/US]; 4793 Ewing Road, Castro Valley, CA 94546-1017 (US). BAUGHN, Mariah, R. [US/US]; 14244 Santiago Road, San Leandro, CA 94577 (US). AU-YOUNG, Janice [US/US]; 1419 Kains Avenue, Berkeley, CA 94702 (US).  (74) Agents: BILLINGS, Lucy, J. et al.; Incyte Pharmaceuticals, Inc., 3174 Porter Drive, Palo Alto, CA 94304 (US).  (81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, HR, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).  Published Without international search report and to be republished upon receipt of that report.	
(54) Title: HUMAN TRANSMEMBRANE PROTEINS			
(57) Abstract			
The invention provides human transmembrane proteins (HTMPN) and polynucleotides which identify and encode HTMPN. The invention also provides expression vectors, host cells, antibodies, agonists, and antagonists. The invention also provides methods for diagnosing, treating, or preventing disorders associated with expression of HTMPN.			

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CZ	Czech Republic	LC	Saint Lucia	RU	Russian Federation		
DE	Germany	LI	Liechtenstein	SD	Sudan		
DK	Denmark	LK	Sri Lanka	SE	Sweden		
EE	Estonia	LR	Liberia	SG	Singapore		



## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification <sup>6</sup> : <b>C12N 15/12, 15/63, C07K 14/705, 16/18, A61K 38/17, G01N 33/50</b>		<b>A3</b>	(11) International Publication Number: <b>WO 99/61471</b>
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		(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, HR, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).	
		Published With international search report. Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.	
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# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/11904

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Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used)		
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<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex.		
* Special categories of cited documents : *A* document defining the general state of the art which is not considered to be of particular relevance *E* earlier document but published on or after the international filing date *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) *O* document referring to an oral disclosure, use, exhibition or other means *P* document published prior to the international filing date but later than the priority date claimed *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. *Z* document member of the same patent family		
Date of the actual completion of the international search  27 September 1999		Date of mailing of the international search report  7 8. 1. 00
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer  Schönwasser, D

# INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 99/11904

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
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# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US 99/11904

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
Although claim 19 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 17,18,20  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful international Search can be carried out, specifically:  
It is not possible to carry out a meaningful search for claims 17,18 and 20, since the claimed agonists and antagonists are not sufficiently described.
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:  
1-20 (all partially)

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 17,18,20

It is not possible to carry out a meaningful search for claims 17,18 and 20, since the claimed agonists and antagonists are not sufficiently described.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.



FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## 1. Claim : .

Invention 1: Claims 1-20 (all partially)

A substantially purified polypeptide comprising the amino acid sequence SEQ ID NO:1 or a fragment thereof, an isolated and substantially purified polynucleotide encoding said polypeptide, a method for detecting said polynucleotide, an expression vector and a host cell comprising the polynucleotide, a method of producing the above mentioned polypeptide, a pharmaceutical composition comprising said polypeptide as well as an antibody against said polypeptide and a method for treating or preventing a disorder associated with decreased expression or activity of human transmembrane proteins.

Inventions 2-79: Claims 1-20 (all partially)

The inventions No. 2 - 79 relate to subject-matter as defined above for "subject 1", whereby each invention refers to one of the polypeptide sequences of SEQ ID NO:2 to SEQ ID NO:79 (and the respective nucleotide sequences of SEQ ID NO:80 to SEQ ID NO:158).

## INTERNATIONAL SEARCH REPORT

### Information on patent family members

International Application No.

PCT/US 99/11904

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0834563 A	08-04-1998	JP 10179178 A US 5824504 A	07-07-1998 20-10-1998
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527 Rec'

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The PTO did not receive the following  
listed item(s)

NO POST CARD

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

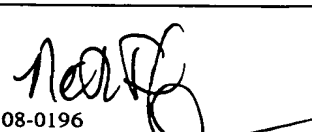
REC'D 05 JUL 2000

WIPO

PCT

Applicant's or agent's file reference PF-0526 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/11904	International filing date (day/month/year) 28 MAY 1999	Priority date (day/month/year) 29 MAY 1998
International Patent Classification (IPC) or national classification and IPC IPC(7): C07K 1/00, 14/00, 17/00 and US Cl.: 530/350		
Applicant INCYTE PHARMACEUTICALS, INC.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets.
<input type="checkbox"/>	This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
	These annexes consist of a total of <u>0</u> sheets.
3.	This report contains indications relating to the following items:
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input checked="" type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand  16 DECEMBER 1999	Date of completion of this report  24 MAY 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer  BRETT L. NELSON  Telephone No. (703) 308-0196

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/11904

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
pages 1-107 , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages 108-110 , as originally filed  
pages NONE , as amended (together with any statement) under Article 19  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
pages NONE , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the sequence listing part of the description:  
pages 1-117 , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☒ contained in the international application in printed form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application.

☒ claims Nos. 17, 18, 20; claims 1-16, and 19 (partially)

because:

☐ the said international application, or the said claim Nos. \_ relate to the following subject matter which does not require international preliminary examination (*specify*).

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. \_ are so unclear that no meaningful opinion could be formed (*specify*).

☐ the claims, or said claims Nos. \_ are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. (See Attached).

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/11904

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. statement

Novelty (N)	Claims <u>1-4, 7, 8, 12-16, 19</u>	YES
	Claims <u>5, 6, 9-11</u>	NO
Inventive Step (IS)	Claims <u>1-4, 7, 8, 12-16, 19</u>	YES
	Claims <u>5, 6, 9-11</u>	NO
Industrial Applicability (IA)	Claims <u>1-16 and 19</u>	YES
	Claims <u>NONE</u>	NO

## 2. citations and explanations (Rule 70.7)

Claims 5, 6, and 9-11 lack novelty under PCT Article 33(2) as being anticipated by Hillier et al (WashU-NCI EST Project). Hillier et al. disclose an amino acid sequence (SEQ accession no. AA779652) which is the same as amino acids 90-240 of SEQ ID NO: 1. Therefore, Hillier et al. anticipate the claimed invention.

Claims 5, 6, and 9-11 lack novelty under PCT Article 33(2) as being anticipated by Hillier (WashU-Merck EST Project). Hillier et al. disclose an amino acid sequence (SEQ accession no. AA447814) which is the same as amino acids 62-209 of SEQ ID NO: 1. Therefore, Hillier et al. anticipate the claimed invention.

While applicant traverses the findings in the Written Opinion, applicant did not point out any of the supposed errors or amend the claims. Therefore, the findings of the written opinion are maintained for reasons of record.

Claims 1-4, 7, 8, 12-16 and 19 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed sequences and the invention has industrial applicability in field of biotechnology.

Claims 1-16 and 19 meet the criteria set out in PCT Article 33(4), for industrial applicability.

----- NEW CITATIONS -----  
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/11904

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**III. NON-ESTABLISHMENT OF REPORT:**

No international search report has been established for claim numbers 17, 18, 20; claims 1-16, and 19 partially (SEQ ID Nos: 2-158).